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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,163	04/09/2001	Ichirou Miyagawa	Q63607	6555
7590 09/19/2005			EXAMINER	
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3213			PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	
DATE MAILED: 09/19/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/828,163

Applicant(s)

MIYAGAWA, ICHIROU

Examiner

Hai C. Pham

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-12 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-4 and 6-8 is/are allowed.
- 6) ☒ Claim(s) 9-12, 14-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Creutzmann et al. (U.S. 4,780,731) in view of Ushirozawa (U.S. 6,452,953).

Creutzmann et al. discloses an exposure recording apparatus (Fig. 1) comprising amount-of-light detecting means (photoelement FE) movable into and out of a beam path of the light beams (the photoelement FE being moved along the main scanning direction to and being inserted in and out of the optical path so as to face the respective LED elements), for detecting amounts of light of the light beams emitted from said light sources (the sensor being used to measure the light quantity of each of the LEDs), a moving mechanism (electric motor M) for moving said amount-of-light detecting means movable into and out of said beam path, and amount-of-light adjusting means for adjusting the amounts of light of the light beams emitted from said light sources in order to equalize the amounts of light of the light beams detected by said amount-of-light detecting means (col. 2, lines 20-28), a temperature sensor (TF) provided on the carrier supporting the LED elements so as to detect and correct the light amount based on the

detected operating temperature of the LEDs and a table correction for correcting the amount of light based on the detected temperature.

Creutzmann et al. fails to teach the temperature sensor sensing the temperature of each individual LED element and the temperature regulating means.

Ushirozawa discloses a light source unit comprising a plurality of laser diodes (2), wherein each laser diode has its own temperature sensor (thermistor 4) for detecting the particular temperature, and its own temperature regulating means (Peltier device 3) to precisely control the temperature of the LD in order to stabilize the wavelength of the signal light at a predetermined value.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to provide a temperature detecting means and a temperature adjusting means to each of the light emitting elements of Creutzmann et al. as taught by Ushirozawa. The motivation for doing so would have been to be able accurately control both the temperature and the light amount emitted from each individual light emitting element so as to stabilize the wavelength of the signal light at a predetermined value as suggested by Ushirozawa at col. 1, lines 7-36.

Creutzmann et al. further teaches:

- The temperature versus amount of light table (memory SP),
- Controlling only those light sources, which correspond to regions where said amount-of-light detecting means are inserted, to emit the light beams (col. 4, lines 35-55).

***Allowable Subject Matter***

3. Claims 1-4 and 6-8 are allowed.
4. The following is an examiner's statement of reasons for allowance: claim 1 is patentable over the prior art patents and printed publications because of the specific amount-of-light detecting means moving mechanism, which comprises a first moving means for moving the amount-of-light detecting means movable into and out of the beam path of each individual light source and a second moving means for moving the amount-of-light detecting means in the auxiliary scanning direction used in the exposure recording apparatus, which has a plurality of light sources arrayed in the auxiliary direction such that the amount of light emitted by the plural light sources is equalized. The combined limitations as claimed are not taught by the prior art of record considered alone or in combination.

Claims 2-4 and 6-8 are allowable because they are directly /indirectly dependent from claim 1 above.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

5. Applicant's arguments with respect to claims 9-12 and 14-16 have been considered but are moot in view of the new grounds of rejection as presented in this Office action.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM  
PRIMARY EXAMINER

September 15, 2005